

SENATE BILL 3565
By Person, Curtis

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14, Part 2, relative to the offense of
animal fighting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by
adding the following new section thereto:

Section 39-14-213.

(a) In every arrest under § 39-14-203, if an animal shelter takes custody of
animals illegally used for fighting, an officer of the animal shelter may file a petition with
the court exercising criminal jurisdiction over such matter requesting that the defendant
be ordered to deposit funds in an amount sufficient to secure payment of all reasonable
expenses expected to be incurred by the animal shelter in caring for and providing for
the animals pending the disposition of the charges. For purposes of this section,
"reasonable expenses" shall include the costs of providing food, water, shelter, and care,
including medical care, for at least thirty (30) days.

(b) Upon receipt of a petition, the court shall set a hearing on the petition. The
hearing shall be conducted no less than ten (10) and no more than fifteen (15) business
days after the petition is filed. The animal shelter shall mail written notice of the hearing
and a copy of the petition to the defendant at the address contained in the criminal
charges. If the defendant is in a local correctional facility at the time the petition is filed,
the animal shelter shall also provide notice to the custodian of the correctional facility.

(c) The court shall set the amount of funds necessary for thirty (30) days' care
after taking into consideration all of the facts and circumstances of the case, including

the recommendation of the animal shelter and the estimated cost of caring for the animals as well as the defendant's ability to pay. If the court determines that the defendant is unable to deposit funds, the court may consider issuing an order under subsection (f) of this section. Any order for funds to be deposited pursuant to this section shall state that if an officer of the animal shelter files an affidavit with the clerk of the court exercising jurisdiction over the case at least two (2) business days prior to the expiration of a thirty (30) day period stating that, to the best of the officer's knowledge, the criminal case against the defendant has not yet been resolved, then the order shall be automatically renewed every thirty (30) days until the criminal case is resolved.

(d) If the court orders that funds be deposited, the amount of funds necessary for thirty (30) days of care shall be posted with the appropriate court clerk. The defendant shall also deposit the same amount with the clerk of the appropriate court every thirty (30) days thereafter until the criminal charges are resolved, unless the defendant requests a hearing no less than five (5) business days prior to the expiration of a thirty (30) day period. If the defendant fails to deposit the funds within five (5) business days of the initial hearing, or five (5) business days of the expiration of a thirty (30) day period, the animals shall be forfeited. If funds have been deposited in accordance with this section, the animal shelter may draw from the funds the actual costs incurred in caring for the animals. In the event of forfeiture, an officer of the animal shelter may determine whether any of the animals are suitable for adoption and whether adoption can be arranged for any of the animals. The animals may not be adopted by the defendant or by any person residing in the defendant's household. If no adoption can be arranged after the forfeiture, or if the animals are unsuitable for adoption, the shelter shall humanely euthanize the animals.

(e) The deposit of funds shall not prevent officials of the animal shelter from disposing of the animals prior to the expiration of the thirty (30) day period covered by the deposit if the court makes a final determination of the charges against the defendant. Upon the adjudication of the charges, the defendant is entitled to a refund for any portion of a deposit not incurred as expenses by the animal shelter.

(f) Pursuant to subsection (c) of this section, the court may order a defendant to provide necessary food, water, shelter, and care, including any necessary medical care, for any animals that are the basis of the charges against the defendant without the removal of the animals from the existing location until the charges against the defendant are adjudicated. If the court issues such an order, the court shall provide for an animal control officer or other law enforcement officer to make regular visits to the location to ensure that the animals are receiving necessary food, water, shelter, and care, including any necessary medical care, and to impound the animals if they are not receiving such necessities.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.